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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Adam J. Almen

Examiner:

Serial No.: 10/829,544

Group Art Unit: 3762

Filed: April 22, 2004

Docket No.: 2010.3-US-01

Title: APPARATUS AND METHOD FOR MONITORING HEART RATE VARIABILITY

CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 21, 2004.

Mary Johnston

Name

Mary Johnston  
Signature

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

- Information Disclosure Statement, Form 1449, copies of reference numbers 13-25
- Transmittal Sheet
- Return postcard

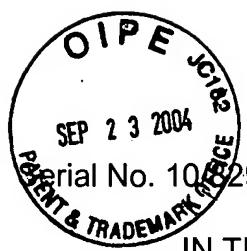
Authorization is hereby given to charge any additional fees or credit any overpayments that may be deemed necessary to Deposit Account Number 50-1038.

Respectfully submitted,

Altera Law Group, LLC  
Customer No. 22865

Date: 9/21/04 By: JRS

Jeffrey R. Stone  
Reg. No. 47,976  
JRS/mej



Serial No. 10/829,544

PATENT

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Signature

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97(b)

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant respectfully submits the items of information on the enclosed Form 1449 for the attention of the Examiner in the above-identified application.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

A copy of documents numbered 13-25 listed on the enclosed Form 1449 are attached in accordance with 37 C.F.R. §1.98(a)(2). Copies of the other listed documents are not provided pursuant to the Office waiver as set forth in the Notice of July 11, 2003 entitled "Information Disclosure Statements May Be Filed Without Copies"

of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003."

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§102 and 103. In addition, Applicant does not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended, and reserve the right to establish otherwise under 37 C.F.R. §1.131 or others.

Consideration of the items listed is respectfully requested. According to M.P.E.P. §609, Applicant requests that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Authorization is hereby given to charge any additional fees or credit any overpayments that may be deemed necessary to Deposit Account Number 50-1038.

Respectfully submitted,

Altera Law Group, LLC  
Customer No. 22865

Date: 9/21/04

By:

  
Jeffrey R. Stone  
Reg. No. 47,976  
JRS/mej


**INFORMATION DISCLOSURE STATEMENT**  
 PTO Form 1449

Docket Number 02010.0003-US-01	Serial Number 10/829544
Applicant(s) Adam J. Almen	
Filing Date 4/22/2004	Group Art Unit 3762

**U.S. PATENT DOCUMENTS**

EXAMINER INITIALS	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE (IF APPROPRIATE)
	1	US2001/0023320	09-20-2001	Kinnunen, et al.			
	2	US2001/0027266	10-04-2001	Hautala, et al.			
	3	US2001/0056241	12-27-2001	Nissila			
	4	US2002/0029000	03-07-2002	Ohsaki, et al.			
	5	4,938,228	07-03-1990	Righter, et al.			
	6	5,738,104	04-14-1998	Lo, et al.			
	7	5,876,350	03-02-1999	Lo, et al.			
	8	6,013,009	01-11-2000	Karkanen			
	9	6,265,978	07-24-2001	Atlas			
	10	6,353,396	03-05-2002	Atlas			
	11	6,361,502	03-26-2002	Puolakanaho, et al.			
	12	6,553,633	04-29-2003	Rantala			

**FOREIGN PATENT DOCUMENTS**

EXAMINER INITIALS	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION	
							YES	

**OTHER DOCUMENTS**

	13	Effect of position on sleep, heart rate variability, and QT interval in preterm infants at 1 and 3 months' corrected age – sudden infant death syndrome, Pediatrics, March 2003, Ariagno, et al.
	14	Spectral analysis assessment of respiratory sinus arrhythmia in normal infants and infants who subsequently died of sudden infant death syndrome, Pediatric Research, Vol. 24, 677-682, copyright 1988 by International Pediatric Research Foundation
	15	Beat-to-Beat QT Interval Variability, Circulation, 1997; 96: 1557-1565, 1997 American Heart Association, Inc.
	16	Heart Rate and JT Interval During Individual Sleep Stages, G. Varoneckas, D. Zemaityte, Institute Psychophysiology & Rehabilitation, Palanga, Lithuania
	17	Heart Rate Variability During Specific Sleep Stages, Circulation 1995;91: 1918-1922, 1995 American Heart Association, Inc.
	18	Decreased fractal component of human heart rate variability during non-REM sleep, Fumiharu Togo and Yoshiharu Yamamoto, Educational Physiology Laboratory, Graduate School of Education, University of Tokyo, Japan, Vol. 280, Issue 1, H17-H21, January 2001
	19	Effects of Sleep Stage and Age on Short-term Heart Rate Variability During Sleep in Healthy Infants and Children, Chest. 2000;117: 460-466, 2000 American College of Chest Physicians
	20	Cardiac Autonomic Control in Obstructive Sleep Apnea, American Journal of Respiratory and Critical Care Medicine, Am. J. Respir. Crit. Care Med., Volume 164, Number 5, September 2001, 807-812

Examiner:

Date Considered:

<b>INFORMATION DISCLOSURE STATEMENT</b> PTO Form 1449			Docket Number 02010.0003-US-01	Serial Number 10/829544
			Applicant(s) Adam J. Almen	
			Filing Date 4/22/2004	Group Art Unit 3762
21	Heart rate variability in patients with sleep-related breathing disorders, AN 97060630; AU Bauer, et al., IN Department of Internal Medicine, University of Bonn, Germany, SO Cardiology. 87(6):492-6, 1996 Nov-Dec.			
22	Heart Rate Variability, Circulation 1996;93: 1043-1065, 1996 American Heart Association, Inc.			
23	Screening of Obstructive Sleep Apnea Syndrome by Heart Rate Variability Analysis, Roche, et al., 1999 American Heart Association, Inc., pages 1411-1415			
24	Heart rate variation in normal infants and victims of the sudden infant death syndrome, Schechtman, et al., Brain Research Institute, University of California, Los Angeles, Early Hum Dev. 1989 Jun;19(3): 167-81			
25	Heart rate variability in infants with apparent life-threatening events, Katz-Salamon, et al., Department of Woman and Child Health, Karolinska Institute, Stockholm, Sweden			

Examiner:

Date Considered: